

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Interpretation; Ordinary Maintenance

Installation of Battery -Powered and Plug-in Type Carbon Monoxide Alarms

Proposed Amendment: N.J.A.C. 5:23-9.3

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124

Proposal Number: PRN 2003-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: October 31, 2003 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625-0802
Fax Number: (609) 633-6729
E-mail: mticktin@dca.state.nj.us

SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

In New Jersey, carbon monoxide (CO) alarms are required to be installed in all new and existing hotels, multiple dwellings, rooming and boarding houses, and one- and two-family dwellings in accordance with the requirements of the State Uniform Construction Code (N.J.A.C. 5:23). This rule amendment would make it clear that, as with the installation of battery-powered smoke detectors, the installation of battery-powered and plug-in type CO alarms is considered ordinary maintenance, so a Uniform Construction Code permit is not required.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment would have a positive social impact by making it clear that the installation of battery-powered and plug-in type CO alarms is considered ordinary maintenance and that a construction permit is not required. This would result in a more consistent enforcement of the Uniform Construction Code.

Economic Impact

The proposed amendment would have a positive economic impact for homeowners who would not be required to pay a permit fee for the installation of battery-powered or plug-in type CO alarms.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being proposed in order to implement, comply with, or participate in any program established under, Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that any jobs would be created or lost as a result of this proposed amendment.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendment would have any impact on the agricultural industry.

Regulatory Flexibility Statement

The Department does not anticipate that the proposed amendment would have any impact on small businesses. Because this amendment impacts local enforcing agencies,

which are units of government, the proposed amendment would not impose any, compliance, record-keeping or reporting requirements on “small businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Smart Growth Impact

The Department does not anticipate that the proposed amendment would have any impact upon either the achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5:23-9.3 Interpretation: ordinary maintenance

(a) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permits for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. – 3. (No change.)

4. Ordinary fire protection maintenance shall include:

i. – iii. (No change)

iv. The installation of battery-powered or plug-in type carbon monoxide alarms.

5. – 6. (No change.)